

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

11-MJ-658L

v.

JOHN RENDSLAND,

Defendant.

On October 28, 2011, Magistrate Judge Jonathan W. Feldman issued an Order, pursuant to 18 U.S.C. §4241(a), directing that the defendant, JOHN RENDSLAND, be committed to the United States Bureau of Prisons for the purpose of determining his competence to stand trial for the charges against him, in violation of 18 U.S.C. § 111(a)((1) and (b). On January 22, 2012, a Forensic Report was completed by the medical staff at the Metropolitan Correctional Facility in New York, New York, which concluded that this defendant is not presently able to assist in his own defense, due to his suffering from a mental disease or defect.

A competency hearing was convened before Magistrate Judge Feldman on May 2, 2012. In a Report and Recommendation, dated June 1, 2012, Magistrate Judge Feldman concluded that by a preponderance of the evidence presented at the hearing, the defendant, JOHN RENDSLAND, is suffering from a delusional disorder and possible schizophrenia, which renders him unable to rationally understand the nature and consequences of the proceedings against him and to assist in his own defense. It was consequently the recommendation of the Magistrate Judge that this Court declare the defendant, JOHN RENDSLAND, incompetent to stand trial. It was further recommended that the defendant be remanded to the custody of the Attorney General or his authorized representative pursuant to Title 18, United States Code, Section 4246 to determine

“whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the proceedings to go forward”.

Defendant’s counsel submitted a letter dated June 8, 2012 (Dkt. #31) stated that he agreed with the Magistrate Judge’s Report and Recommendation and, therefore, would not be filing any objections.

After reviewing all the matters submitted, I accept and adopt the Report and Recommendation of United States Magistrate Judge Jonathan W. Feldman. I find no reason to alter or modify any of the factual findings and conclusions contained in his Report and Recommendation.

The Court finds that the defendant is presently suffering from a mental disease or defect, that renders him unable to rationally understand the nature and consequences of the proceedings against him and to assist properly in his defense; the Court determines that the defendant, JOHN RENDSLAND, is incompetent to stand trial; and that he be committed to the custody of the Attorney General for a reasonable period not to exceed four months, to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to stand trial in this case, pursuant to Title 18, United States Code, Section 4241(d)(1); and it is hereby

ORDERED, that the defendant, JOHN RENDSLAND, be hospitalized for treatment at a suitable federal medical facility, pursuant to Title 18, United States Code, Section 4241(d)(1) for a reasonable period of time, not to exceed four months, to determine whether there is substantial probability that in the foreseeable future the defendant will attain the capacity to stand trial, and it is further

ORDERED, that at the conclusion of the hospitalization, the defendant shall be returned to the custody of the United States Marshal, Rochester, New York.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
June 13, 2012.